



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Senior Claims
Adjudicator Specialist, Disability
Determinations (PS8047N),
Department of Labor and Workforce
Development

Appointment Waivers

CSC Docket Nos. 2021-1155, *et al.*

ISSUED: MARCH 5, 2021 (BW)

The Department of Labor and Workforce Development (DOL) requests permission not to make appointments from three certifications (PS210066, PS210067 and PS210068), of the list for Senior Claims Adjudicator Specialist, Disability Determinations (PS8407N), DOL. The certifications are as follows:

The three certifications were issued to DOL on December 26, 2020. It returned the three certifications on February 2, 2021, and requested waivers of the appointment requirement. It indicated that it was the intention of the DOL to certify the Senior Claims Adjudicator, Disability Determinations list. Due to similarity in titles and human error, the Senior Claims Adjudicator Specialist, Disability Determinations list was certified. Once the error was caught, a request was made to cancel the certification, which was denied. It stated that it is unable to currently use the list generated from this symbol as it does not have approved vacancies for the title. The current approved vacancies are based on current operational needs and are for Senior Claims Adjudicator, Disability Determinations. It stated that it intends to appoint from the list in the future prior to expiration. Accordingly, it requested a waiver of the appointment requirement as well as a waiver of any selection costs.

The appointing authority's request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be assessed for the costs of the selection process in the amount of \$1,602.

It is noted that there are currently no employees serving provisionally pending open competitive examination procedures in the subject titles with the appointing authority.

CONCLUSION

In accordance with *N.J.S.A.* 11A:4-5, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made by the Civil Service Commission for a valid reason such as fiscal constraints.

In the instant matters, the list was apparently certified in error. Once the error was caught, a request was made to cancel the certifications. Moreover, while the DOL states that it cannot make current appointments from the list, it intends to appoint from the Senior Claims Adjudicator Specialist, Disability Determinations list in the future. Under these circumstances, the appointing authority has presented adequate justification for granting the appointment waivers.

Although the appointment waivers are granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. The appointing authority indicates that it was the intention of the DOL to certify the Senior Claims Adjudicator, Disability Determinations list. Moreover, it states that it intends to appoint from the list in the future prior to expiration. Accordingly, it is appropriate to not assess selection costs at this time.

ORDER

Therefore, it is ordered that these requests for waiver of the appointment requirement be granted and no selection costs be currently assessed. The costs will be re-examined after the expiration of the list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF MARCH, 2021

Deirdre' L. Webster Cobb

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